

ABUSE, NEGLECT AND MISAPPROPRIATION OF PROPERTY

POLICY: Allegations of resident abuse, neglect and misappropriation of property by a nurse aide or another individual used by a nursing facility or combination facility will be received, reviewed timely and investigated. If an allegation is substantiated, the nurse aide will be notified and an opportunity for a hearing will be provided prior to entering the substantiated finding into the state nurse aide registry. If an allegation is substantiated for another individual, the appropriate licensure authority will be notified.

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Procedure: ABUSE, NEGLECT, MISAPPROPRIATION OF PROPERTY; REFERRALS

1. Referrals are received from providers by phone or mail.
  - a. Fill out a referral form upon receipt. Fill out as completely as possible to include names of alleged perpetrator(s), victim(s), witnesses, nature of allegation, date and time of incident, injuries (if any), result of provider's investigation (substantiated/unsubstantiated), and provider's action.
  - b. Determine if allegation has been reported to the county Department of Social Services, local law enforcement agency or other agency. Obtain as much information as possible from the reporter regarding investigations by these agencies.
  - c. Request additional information as needed (ie. copy of facility investigation, statements of victim, witnesses and alleged-perpetrator, incident report, termination notice, orientation and inservice documentation of alleged perpetrator) and indicate items requested on the referral form.
  - d. Make an entry into the referral log.
  - e. When additional information is received from the provider, Department of Social Services, police or other agency, attach information with referral form and update log.
2. Determination of investigation by Abuse, Neglect and Misappropriation of Property Team.
  - a. After review of referral and information received, the Program Manager will determine whether the allegation will be investigated by the Team.
  - b. If an investigation is to be done, the referral is assigned a control number and entered into investigation log.
  - c. If no investigation is to be done, the reason will be noted on the referral form. All related documents will then be attached and filed in the Abuse, Neglect and misappropriation of Property miscellaneous file.
  - d. Mail letters to acknowledge information received and to indicate planned actions to the provider

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and other agencies as appropriate.

3. Other reports of abuse, neglect or misappropriation of property when provider has not referred.

a. Department of social services:

- 1) Document on a form substantiated reports of resident abuse, neglect or misappropriation of property by DSS and attach the DSS report.
- 2) Indicate on the form that the provider did not report the allegation to DFS.
- 3) Route form and attachment for assignment of a control number and entry into the abuse, neglect and misappropriation of property log.
- 4) Mail a letter to the reporting department of social service acknowledging receipt of the report and the planned action.

b. Police:

- 1) Document on a form, substantiated reports of resident abuse, neglect, and misappropriation of property and attach report from police.
- 2) Indicate on the form that the provider did not report the allegation to DFS.
- 3) Route the form and attachments for assignment of a control number and entry into the abuse, neglect and misappropriation of property investigation log.
- 4) Mail a letter to the reporting police department acknowledging receipt of report and planned action.

c. Reports from other sources are to be considered complaints. Please see the procedures for processing and investigating complaints.

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INVESTIGATION PROCEDURES FOR ABUSE, NEGLECT and MISAPPROPRIATION OF  
PROPERTY INVESTIGATIONS

Investigation Tasks:

- Task 1 Off Site Preparation
- Task 2 Entrance Conference
- Task 3 Record Review
- Task 4 Interviews
- Task 5 Information Analysis and Decisionmaking
- Task 6 Exit Conference
- Task 7 Off Site Interviews and Follow-up
- Task 8 Off Site Information Analysis and Decisionmaking
- Task 9 Report Preparation

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## TASK 1. OFF SITE PREPARATION

Review the facility file for:

correspondence (addressing facility situations that may impact on the investigation)  
recent licensure and/or certification survey-including deficiencies, staffing information, waivers, corrective action status (if appropriate), abuse reports and complaint investigations.

The investigator will review the investigation packet materials prepared by the program manager and determine what specific information will be needed to complete the investigation (ex: specific medical, personnel and inservice records; facility policies, incident reports; police reports etc.)

The investigator will schedule the visit to the facility. An announced visit may be made when the facility has already provided much of the data needed and the primary purpose of the visit is to conduct interviews.

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## TASK 2. ENTRANCE CONFERENCE

The investigator conducts the entrance conference, informs the facility administrator about the investigation. The investigator explains the investigation process and answers questions from facility staff.

Ask the administrator for the specific records needed to conduct the investigation, and the location of the individuals that will need to be interviewed (If staff are not present, the administrator may wish to arrange to have staff come to the facility if possible. The team manager may not require off duty staff to come to the facility to be interviewed.).

Ask the administrator to introduce you to key staff members relevant to the investigation (ex: medical records clerk, bookkeeper, personnel director, director of nursing).

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TASK 3. RECORD REVIEW

Review personnel records of the alleged perpetrator and witnesses that are staff members to obtain information needed to complete the investigation report.

Review medical records of residents involved in the alleged incident to obtain information needed to complete the investigation report.

Review facility inservice records, incident reports and facility policies relevant to the investigation.

Request copies of information as needed to supplement the report.

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#### TASK 4. INTERVIEWS

Contact interviewees to advise them of the purpose of the interview and to see if they are willing to participate.

Interview witnesses individually unless otherwise requested by the interviewee.

Document the conversation and have the interviewee sign the document and have a member of the facility (preferably the DON or the administrator) witness the signature. Signed/witnessed documents will not be necessary for all interviews (ex: interviews with persons who have only general information; persons who have previously signed a prepared statement.).

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## TASK 5. INFORMATION ANALYSIS AND DECISIONMAKING

The investigator reviews and analyzes all data gathered and determines if a decision can be made at this point or what additional information is required. If further information is NOT required and an off site review of the information is NOT required a decision is made based on the data collected. The decision must be made regarding (a) whether a resident's rights violation occurred (b) the acceptability of the facilities actions in hiring, training, evaluation, investigation and follow-up, etc. (c) whether the accused was the perpetrator (d) whether there are licensure or certification deficiencies and how they will be addressed during the exit conference.

If additional information is required from sources outside the facility (interviews with absent staff members, alleged perpetrator, police etc.), the on site visit will conclude with the exit conference.

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TASK 6. EXIT CONFERENCE

Conduct an exit conference with the administrator. If the investigation has been concluded make known your findings and any deficiencies that will result.

If the investigation will not be completed on site, update the administrator as to what remains to be done. If the probability of a negative action against the facility exists, discuss this with the administrator.

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